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May 5, 2011

Via Electronic Filing

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, District of Columbia 20423

Re: STB Finance Docket No. 35504, Petition of Union Pacific Railroad  
Company for a Declaratory Order

Dear Ms. Brown:

I attach for electronic filing Norfolk Southern Railway Company's Intent to Participate in the subject matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'D. Coleman', with a long horizontal line extending to the right.

David L. Coleman

Attachment

cc: Parties of Record

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB FINANCE DOCKET NO. 35504**

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**PETITION OF UNION PACIFIC RAILROAD COMPANY FOR A  
DECLARATORY ORDER**

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**INTENT TO PARTICIPATE**

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**James A. Hixon  
John M. Scheib  
David L. Coleman  
Norfolk Southern Railway Co.  
Three Commercial Place  
Norfolk, VA 23510**

***Counsel to Norfolk Southern  
Railway Co.***

**Dated: May 5, 2011**

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB FINANCE DOCKET NO. 35504**

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**PETITION OF UNION PACIFIC RAILROAD COMPANY FOR A  
DECLARATORY ORDER**

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**INTENT TO PARTICIPATE**

Norfolk Southern Railway Company ("NS") files this intent to participate in support of Union Pacific Railroad Company's ("UP") petition for a declaratory order regarding UP's Tariff 6607, "General Rules for Movement of Toxic and Poison Inhalation Commodity Shipments over the Lines of Union Pacific Railroad Company" that includes the indemnification language described in that petition.

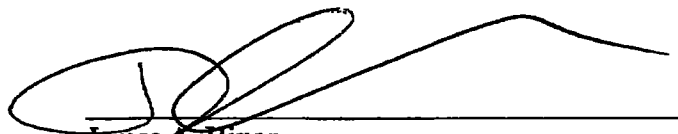
NS is a participating carrier in the joint-line movement from McIntosh, Alabama, to LaPorte, Texas, that is subject to a joint-line tariff that includes this provision of UP Tariff 6607.

NS agrees with UP that resolving this issue is significant to railroads and shippers of toxic inhalation hazards ("TIH") alike. It should be addressed by the Board pursuant to the Board's recent articulation of its preference to resolve issues related to TIH transportation on a case-by-case basis. *Common Carrier Obligation of Railroads – Transportation of Hazardous Materials*, STB Ex Parte No. 677 (Sub-No. 1) (STB served April 15, 2011) at 4 n.8. This petition provides an opportunity for the Board to begin to address the contours of the relationship between TIH producers that freely choose to

manufacture, sell, and ship these commodities and railroads that are forced by the government to transport them.

Accordingly, NS respectfully requests that it be included on the service list for this matter.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'J. Coleman', is written over a horizontal line.

James A. Hixon  
~~John M. Scheib~~  
David L. Coleman  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, VA 23510

***Counsel to Norfolk Southern Railway Co.***

Dated: May 5, 2011

### **CERTIFICATE OF SERVICE**

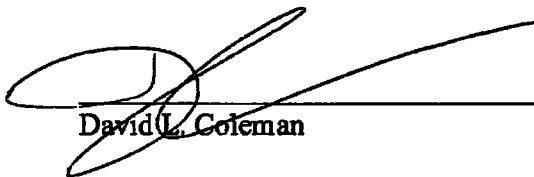
I, David L. Coleman, certify that on this date a copy of Norfolk Southern Railway Company's Intent to Participate in Finance Docket No. 35504, filed on May 5, 2011, was served by email or by first-class mail, postage prepaid, on all parties of record, specifically:

J. Michael Hemmer  
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David L. Coleman

Dated: May 5, 2011